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August 21, 2024

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *Emigrant Bank, et al. v. SunTrust Bank, et al.*, No. 1:20-cv-02391-PGG-OTW

Dear Judge Wang:

Plaintiffs and Defendants write jointly regarding ECF 187, a text order directing the parties to file their February 2, 2024 joint pre-motion letter regarding discovery disputes (ECF 154) as a motion.

The parties have conferred regarding ECF 187. The parties note that at the April 11, 2024 discovery conference and in a post-hearing order (ECF Nos. 169, 173), Your Honor addressed both disputes at issue in ECF 154 by ordering a limited deposition of Mr. De Jesus-Caballero (which occurred on May 1, 2024), and denying Defendant Truist Bank's request for production of correspondence with non-party Preferred Bank without prejudice to Truist renewing the motion at trial or closer to trial. (*See* ECF 169.) Truist respectfully suggests that, in light of these rulings addressing both disputes, on the record, Your Honor may terminate ECF 154.

In light of Your Honor's prior rulings on ECF 154, the parties would like to know if a formal motion is necessary and, if so, whether there are specific issues Your Honor would like the parties to address in such a motion.

The parties appreciate Your Honor's attention to this matter.

Respectfully submitted,

/s/ Corey Worcester

Corey Worcester
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and Pacific Mercantile Bank*

/s/ David Tetrick

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by merger to Defendant SunTrust Bank*